

The Next Milestone: The Record of Decision

By Greg Swanson, Wisconsin Department of Natural Resources

The Wisconsin Department of Natural Resources and U.S. Environmental Protection Agency are approaching an important milestone concerning the cleanup of the Lower Fox River. This milestone is the record of decision – the document that details the final cleanup plan.

A record of decision typically:

- explains that the cleanup plan was selected according to the Superfund law.
- describes the technical aspects of the cleanup.
- provides a summary of the site, the cleanup plan and the reasons for its selection.

Soon after the record of decision is finalized, some legal steps are generally followed. EPA and DNR staff will talk with the companies, or potentially responsible parties, to see if they are willing to pay for the cleanup. According to Superfund procedures, specific timelines must be followed to ensure that discussions continue. The Superfund law provides for certain legal agreements, or orders, to be used to fund the cleanup. While the Superfund program greatly prefers voluntary agreements, EPA can, if needed, issue a legal “order” to the companies to ensure that a proper cleanup is done as outlined in the record of decision.

After the proper legal agreements are in place, the project can move into the design phase. This could begin prior to an agreement to permit the

companies to begin doing the work. Design work is a more detailed analysis and evaluation that is incorporated into technical drawings and plans. This typically provides the basis for contractors to bid on the project. Contractors, who do the cleanup work, would then be hired and the actual cleanup would begin. Generally, after a record of decision is signed, it can easily take about two years before the actual cleanup work begins.

The record of decision and design document for the Lower Fox River and Green Bay project will be available for review at the information repositories and administrative record locations listed on Page 7 when they are released. The record of decision will also be posted at: http://www.epa.gov/region5/superfund/rods/rod_index.html.

Fish and Wildlife Service Offices Move

During the week of December 2, 2002, the offices of the U.S. Fish and Wildlife Service moved from their current Green Bay location. The new address for FWS is:

U.S. Fish and Wildlife Service
2661 Scott Tower Dr.
New Franken, WI 54229

The general office telephone number is (920) 866-3650. The direct number for Colette Charbonneau, FWS restoration coordinator, is (920) 866-1726; the fax number is (920) 866-1710.

EPA Helps States, Tribes Monitor Local Waters

(This article appeared on EPA's Web site and was modified and reprinted for the Fox River *Current*.)

U.S. Environmental Protection Agency has been working with state agencies and Native American tribes to better monitor the health of water as well as the health of fish caught by recreational and subsistence fishers. The good news is that states and tribes are now doing a better job than they were just 10 years ago of monitoring our waters and fish for unsafe levels of pollutants, and issuing consumption advisories.

Even if a fish advisory is issued, however, it doesn't mean people should avoid eating fish altogether, simply because some are contaminated.

"An advisory is simply a guide for the public so that they can make informed choices about their health and diet, and those of their family," according to EPA Biologist Pete Redmon. "The advisories identify species of fish that should be eaten in limited quantities or should be avoided altogether due to contamination. It is somewhat similar to the food pyramid that recommends how much of what foods should be eaten daily."

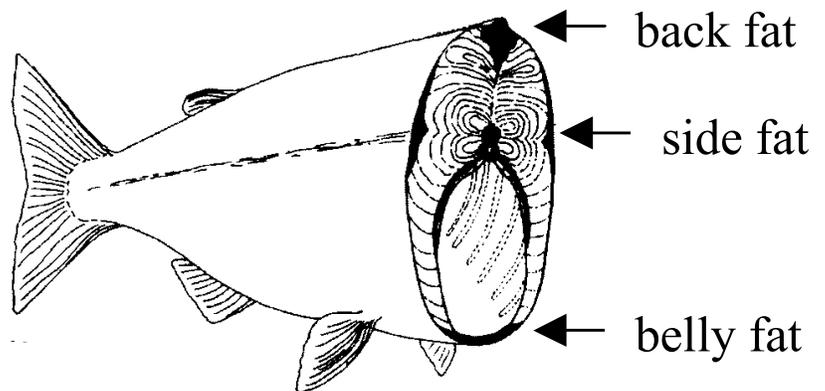
Perhaps equally as important, advisories encourage recreational fishing activities and stress the importance of including clean fish as part of a healthy, wholesome diet. EPA's goal is not to discourage people from fishing or eating fish, but rather to help them select and prepare fish like panfish that are low in chemical pollutants. Mercury, PCBs and dioxins are the contaminants of greatest concern in this region because they persist for long periods of time in sediment. They accumulate in bottom-dwelling creatures that pass them up the food chain to predator fish. Mercury is widespread in the environment and is one of the

concerns with eating locally caught fish, such as walleye, northern pike and largemouth bass.

"Mercury is the main cause of fish advisories nationwide," says EPA Toxicologist Milton Clark, Ph.D. "The main problem is that when pregnant women ingest mercury, it can result in developmental problems for the unborn child."

Recently, EPA has worked closely with the Centers for Disease Control to send information and advisories to more than 100,000 pediatricians, obstetricians and gynecologists on the potential risks associated with eating contaminated fish. Pregnant women, and women who are planning to become pregnant, should consult their doctors for more specific advice. EPA believes that these partnerships with the health community are critical in getting the word out to those with the most potential risk.

Risks such as these might prompt some to simply stay away from fish altogether. But, Redmon notes fish have important health benefits. He recommends taking certain precautions to reduce the risk. Those precautions, in addition to avoiding some types of fish or certain polluted waters, include the way fish



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is prepared. For example, trimming off extra fat because that is where contaminants, such as PCBs, tend to accumulate in fish. Also, it is better to avoid very large fish because they have had a longer time to grow and accumulate toxins in their bodies.

“Hang the big ones on the wall and eat the smaller fish,” advised Redmon.

To learn more about which fish are safe to eat, visit EPA’s Web site: <http://www.epa.gov/waterscience/fish/>. From this Web site, fish and wildlife authorities can be contacted to determine if there are any advisories in area lakes and rivers. EPA can also be contacted at (800) 490-9198 to order copies of the brochure, *Should I Eat the Fish I Catch?* This brochure, available in six languages, provides information about how to trim and cook fish to reduce health risks.

EPA is also working with the Food and Drug Administration to ensure that fish purchased in stores or restaurants are free of unsafe levels of pollutants such as mercury and PCBs. Visit the FDA Web site: <http://vm.cfsan.fda.gov/~dms/admehg.html> for more information about fish consumption.

The emphasis on safe fish is part of EPA’s celebration of the 30th anniversary of the Clean Water Act and its commitment to meeting the act’s goals.

Joint Restoration Plan Progresses

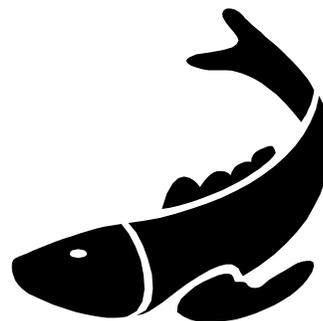
By Greg Swanson, Wisconsin Department of Natural Resources

The Lower Fox River and Green Bay Watershed Trustee Council is reviewing comments received on its draft joint restoration plan and environmental assessment. The 30-day comment period, which ended on Oct. 21, generated 149 public comments.

According to Colette Charbonneau, U.S. Fish and Wildlife Service restoration coordinator in Green Bay, “The trustees are incorporating the applicable public comments into the final restoration plan and environmental assessment. Our goal is to complete that process and have a final plan ready by next spring.”

Once the restoration plan and environmental assessment is finalized, the trustees can begin restoring the natural resources and their use that were injured due to the release of PCBs into the environment.

The Trustee Council consists of the U.S. Fish and Wildlife Service, representing the federal agencies; the Wisconsin Department of Natural Resources; the Michigan Attorney General; the Oneida Tribe of Indians of Wisconsin; and the Menominee Indian tribe of Wisconsin.

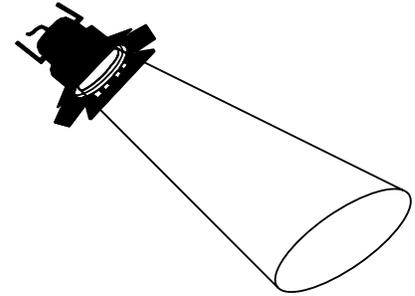


In response to reader requests, the Fox River Current will regularly feature successful natural resource damage assessments similar to what may occur at the Lower Fox River.

Spotlight On:

Makah Indian Reservation Forest Restoration

By Susan Pastor, U.S. Environmental Protection Agency



Tourists may know the northern Washington coast for its scenic beauty. Naturalists know it for its biological and cultural importance to the environment. They also know that about 475,000 gallons of oil were spilled when two ships collided in 1991, causing immediate injury to seabirds common to the area.

The Tenyo Maru spill, named for one of the ships involved in the collision, triggered claims for natural resource damages under the federal Oil Pollution Act. These claims were settled in an August 2002 legal agreement called a consent decree. This agreement resulted in a payment of about \$5.2 million to the natural resource trustees—U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, state of Washington and the Makah Indian Tribe.

About \$1.4 million will be used to protect over 100 acres of old-growth forest (where trees have never been cut down for lumber) for conservation purposes in the Waatch Valley, about two miles east of the Pacific Ocean and three miles south of the Strait of Juan de Fuca—a waterway from the ocean to the Puget Sound. This land-use agreement will provide the largest nesting area for small seabirds called marbled murrelets on the Makah Indian Reservation. The state of Washington and the federal Endangered Species Act protect these birds. About 150 acres of younger forest also included in the agreement will protect the old-growth area and allow for future forest growth and more marbled murrelet nesting.

According to FWS Environmental Contamination Specialist Cindy Schexnider, this agreement is



PHOTO COURTESY OF U.S. FISH AND WILDLIFE SERVICE

The seabird, the common murre, will benefit from the habitat protection and restoration project triggered by the 1991 Tenyo Maru oil spill.

special. “It’s primarily for seabirds,” she explained. “It seems other settlements are complicated with more species involved.”

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The agreement ensures that this area will be excluded from the commercial land base of the Makah Reservation, protecting it from commercial timber harvest and other land-use activities. In addition to protecting and improving marbled murrelet natural areas, the agreement also will benefit others dependent on old-growth habitat, provide a home for fish (including coho, Chinook, chum, steelhead salmon and coastal cutthroat trout), and prevent soil erosion. The property will be administered by the Makah Natural Resources Department, which will declare the boundaries of the property as wilderness and ensure that all activities related to the property are consistent with those established for Wilderness Management Zones.

The agreement between the Makah Tribe and the trustees details the second of a number of marbled murrelet restoration projects to be done under the plan. The first was the purchase of the 338-acre Teal Slough property that was added to the Willapa National Wildlife Refuge in southwest Washington. Teal Slough is a piece of property known for its marbled murrelet nesting areas, streams and salamander habitat. Other projects will help restore seabird and kelp populations injured by the oil spill. "Seabirds are hard to restore because they mostly live in a marine environment where it is difficult to protect and restore food and nesting resources," Schexnider said.

The projects will also protect and restore additional marbled murrelet areas, restore areas in the nearby Copalis Natural Wildlife Refuge for another seabird called a common murre, educate the public to leave seabird nesting areas alone, and possibly provide partial funding for a rehabilitation center to clean oil from wildlife after a spill. "Currently, there's no facility in the state to take animals when spills occur," said Schexnider. "The closest is in Oregon or maybe even in northern California."

Partial funding of an emergency rescue tugboat stationed at the entrance to the Strait of Juan de Fuca

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Out and About...

By Greg Swanson, Wisconsin Department of Natural Resources

The Fox River Intergovernmental Partnership, made up of the U.S. Environmental Protection Agency, Wisconsin Department of Natural Resources, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, Oneida Tribe of Indians of Wisconsin and Menominee Indian Tribe of Wisconsin, regularly provides speakers to organizations in the Fox Valley area. The following partners recently made presentations:

September

- ◆ *George Boronow*, DNR: University of Wisconsin-Green Bay Fisheries of Wisconsin class, Green Bay; Fox River cleanup.

October

- ◆ *Tom Nelson*, Oneida, *George Boronow*, DNR, *Colette Charbonneau*, FWS: Remedial Action Plan Science and Technical Advisory Committee, Green Bay; draft joint restoration plan and environmental assessment for the Lower Fox River and Green Bay area.
- ◆ *Tom Nelson*, Oneida, *George Boronow*, DNR, *Colette Charbonneau*, FWS: Lower Fox River Basin Partners, Appleton; draft joint restoration plan and environmental assessment for the Lower Fox River and Green Bay area.
- ◆ *Greg Hill*, DNR, and *Colette Charbonneau*, FWS: Lake Michigan Area Land and Water Conservation, Sturgeon Bay; draft joint restoration plan and environmental assessment for the Lower Fox River and Green Bay area.
- ◆ *Ed Lynch*, DNR: Association of Conservation Engineers, Green Bay; Fox River history and proposed plan.

November

- ◆ *Colette Charbonneau*, FWS: Friends of the Wildlife Sanctuary, Green Bay; natural resource damage resource assessment and restoration.

December

- ◆ *Roger Grimes*, EPA: Wisconsin Bar Association, Madison; state and federal relations in Superfund.

Profile On . . . Chuck Warzecha

Minnesota Native Good Catch for State Health Department

By Greg Swanson, Wisconsin Department of Natural Resources

There are many people and agencies working on the Fox River project who are very important. One of those people is Chuck Warzecha, whose job is to investigate and address public health issues related to environmental contamination for the Wisconsin Department of Health and Family Services.

Warzecha, a native of northern Minnesota, came to Madison in 1984 to study at the University of Wisconsin and decided to settle down in Wisconsin. He earned a Masters degree from the Water Resources Management program, specializing in human health and environmental risk assessment. While in graduate school, Chuck first became acquainted with the contamination issues in the Fox River. As he puts it, "Even in 1988, it was clear that there weren't any simple solutions to the contamination in the Fox River."

After graduating, Warzecha spent three years working for the Wisconsin Department of Natural Resources on cleanup programs for what is now the Bureau for Remediation and Redevelopment. In 1992, he moved to the state health department, now known as the DHFS. Warzecha's work involves him in over 100 projects a year. "I've been fortunate to work on a wide variety of projects taking me to every part of Wisconsin during my 11 years with DHFS," he said. "A lot of my job involves working directly with the public and answering questions and addressing their community health concerns."

One of the main goals of the Lower Fox River and Green Bay cleanup is "to be protective of human health." Warzecha feels that all the agencies involved in the cleanup and restoration projects keep this goal in mind. "Because of the agency name, some people think that DHFS is *the* public health agency involved with the project. However, DNR, EPA, the tribes and



Chuck Warzecha

other agencies have made public health their greatest priority and I'm proud of the strong public health ethic that they continually demonstrate," he added.

Warzecha lives in Portage with his wife and four children, near the headwaters of the Fox River. "I've caught some fish and I've been skunked at both ends of the Fox, but I keep coming back."

By the way, the walleye shown in the picture accompanying this article did not come from the Fox and all health advisories and legal limits were followed. When asked about the fish in the picture, Warzecha said, "I do want to remind everyone to follow the fish consumption advisories and keep smaller, healthier fish. And, contrary to what you see in the photo, catching small fish isn't usually a problem for me."

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to protect against devastating winter oil spills was also earmarked under the Tenyo Maru restoration plan.

The trustees did not decide on their own how to spend the settlement money, Schexnider said. "We had an open public involvement process," she continued. "The public was involved in several aspects of the final restoration plan. Public comment was accepted at meetings, however, most of the comments came in the mail and through e-mail."

For more information on the Makah Indian Reservation Forest Restoration project, contact: Cindy Schexnider at 360-753-4324 or at cindy_schexnider@fws.gov or refer to the NOAA Web site at <http://www.darcnw.noaa.gov/tenyo.htm>.

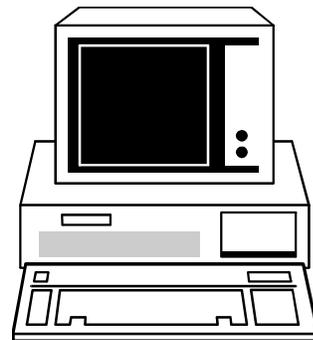
Check out these Web sites:

<http://www.dnr.state.wi.us/org/water/wm/lowerfox/>

<http://www.epa.gov/region5/foxriver/>

<http://www.fws.gov/r9dec/nrdar/nrdamain.html>

<http://www.fws.gov/r3pao/nrda/>

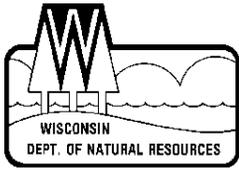
**Information Available at Local Libraries**

The Intergovernmental Partners invite the public to review technical reports, fact sheets and other documents related to the Lower Fox River cleanup at information repositories set up in the reference sections of the following local libraries. Information repositories at the public libraries in DePere, Kaukauna, Little Chute, Neenah and Wrightstown have been discontinued. However, binders containing fact sheets will be mailed to and maintained at these locations as well as at the repositories listed below.

- **Appleton Public Library**, 225 N. Oneida St., Appleton, Wis.; (920) 832-6170
- **Brown County Library**, 515 Pine St., Green Bay, Wis.; (920) 448-4381, Ext. 394
- **Door County Library**, 107 S. Fourth Ave., Sturgeon Bay, Wis.; (920) 743-6578
- **Oneida Community Library**, 201 Elm St., Oneida, Wis.; (920) 869-2210
- **Oshkosh Public Library**, 106 Washington Ave., Oshkosh, Wis.; (920) 236-5200



An administrative record, which contains detailed information upon which the selection of the final site cleanup plan will be based, is also available for review at two DNR offices: 801 E. Walnut St., Green Bay, Wis. and 101 S. Webster St., 3rd Floor, Madison, Wis. An administrative record is also available at the EPA Record Center, 77 W. Jackson Blvd., 7th Floor, Chicago, Ill.



Prepared by the Fox River Intergovernmental Partnership: Wisconsin Department of Natural Resources, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Menominee Indian Tribe of Wisconsin, Oneida Tribe of Indians of Wisconsin, and National Oceanic and Atmospheric Administration. Supporting agencies include the Wisconsin Department of Health and Family Services, the U.S. Agency for Toxic Substances and Disease Registry, and the U.S. Army Corps of Engineers.

Disclaimer: The opinions expressed in these articles are solely those of the authors and are not necessarily shared by all members of the Fox River Intergovernmental Partnership.

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Fox River Current is published bimonthly by the Fox River Intergovernmental Partnership. Its purpose is to provide up-to-date information about cleanup and restoration efforts on the Lower Fox River. Call Greg Swanson at (608) 264-6024 to request a subscription or alternative format. Feedback on articles and ideas for future issues are welcome. Send comments to Greg Swanson, *Fox River Current*, DNR, CE/6, P.O. Box 7921, Madison, WI 53707 or e-mail <swansg@dnr.state.wi.us>

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